

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 588 (ER)

5 AHMED MOHAMMED EL GAMMAL,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 November 10, 2016  
4:00 p.m.

10 Before:

11 HON. EDGARDO RAMOS,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the  
17 Southern District of New York

18 NEGAR TEKEEI

19 ANDREW J. DeFILIPPIS

20 Assistant United States Attorney

21 FEDERAL DEFENDERS OF NEW YORK INC.

22 Attorneys for Defendant

23 SABRINA P. SHROFF

24 ANNALISA MIRON

25 HANNAH SOTNICK, Paralegal

1 (Case called)

2 MS. TEKEEI: Good afternoon, your Honor. Negar Tekeei  
3 and Andrew DeFilippis on behalf of the United States.

4 THE COURT: Good afternoon.

5 MS. SHROFF: Good afternoon, your Honor. Sabrina  
6 Shroff and Annalisa Miron from the Federal Defender's Office on  
7 behalf of Mr. Gammal. Also present is Ms. Hannah Sotnick, she  
8 is the paralegal on the case.

9 Mr. Gammal is not here because of -- well, the  
10 government offered to produce him. We indicated that they  
11 should not produce him because it was the first time he was  
12 getting to see his mom and his wife since his arrest.

13 THE COURT: Very well. This matter is on for status  
14 conference because we received a communication from the  
15 government indicating that there were some scheduling matters  
16 that may have arisen. Mr. El Gammal's presence is excused  
17 since I think we will only be talking about scheduling issues.

18 Have the parties spoken, and what, if anything, is  
19 there to report or request?

20 MS. TEKEEI: Your Honor, by way of background, we  
21 understood from earlier this week that defense counsel may be  
22 asking for a short adjournment of the trial for various reasons  
23 that we took no position on. From our perspective, we asked  
24 for this conference so that we could have a final, firm trial  
25 date for our scheduling purposes so that we can schedule

1 accordingly with our witnesses, for example, especially those  
2 who are traveling, as well as the agents, and to be able to  
3 handle logistical matters in the most efficient way. So we  
4 asked for this conference so we could discuss whether defense  
5 counsel was going to make that application and what dates would  
6 be contemplated.

7 THE COURT: Ms. Shroff.

8 MS. SHROFF: Well, your Honor, I laid out in the  
9 letter that I sent to the Court what prompted my reaching out  
10 to the government, and I included for the Court some  
11 information that I don't think should be shared with the  
12 government. I think that's fair. Look, I'm not trying to mess  
13 with anybody's trial date. It's really not. We just thought  
14 we might run into a crunch, and it looks more likely we would  
15 run into a crunch.

16 THE COURT: I did receive defense counsel's ex parte  
17 letter, and I know from having presided over this case since  
18 the beginning that there are a lot of issues yet to be dealt  
19 with pretrial. I know that there is a great deal of voluminous  
20 discovery, discovery that is subject to various protective  
21 orders and various statutes concerning the treatment of  
22 confidential information, and I know that counsel on both sides  
23 have been working very diligently. I know this from the  
24 submissions that have been made, and obviously, I want to make  
25 sure that everyone is as ready as they can possibly be as this

1 matter is very important for both sides.

2 I have looked at my calendar and have determined that  
3 I can accommodate the parties with a January trial, beginning  
4 January 9, and I have three weeks blocked out for that purpose,  
5 if that's what you want to do.

6 MS. SHROFF: Your Honor, Ms. Rivera was kind enough to  
7 email that information and front it to us when we were here. I  
8 think Ms. Tekeei would need a day or two to talk to her third  
9 colleague, who is not here, our third colleague is out on at  
10 least two weeks of paternity leave, coming back, and then going  
11 back out on paternity leave. So if we could just let the Court  
12 know by tomorrow or Monday, if that's possible?

13 THE COURT: Absolutely. Right now we're keeping the  
14 December date?

15 MS. SHROFF: I just don't have an answer because I  
16 don't have -- I haven't consulted with the third, and I think  
17 Ms. Tekeei also needs to consult with her third. But honestly,  
18 there's no working day between today and Monday, or late  
19 Sunday. I know the government works around the clock, but --

20 MS. TEKEEI: Your Honor, our understanding is that the  
21 trial date is currently, as of today, still December 5th. What  
22 I think Ms. Shroff is indicating is that we will go back to our  
23 respective trial members, trial team members, confirm that that  
24 week in January does work for everyone, and then perhaps  
25 Ms. Shroff will make an application, or defense counsel will

1 make an application for an adjournment to the date that the  
2 Court has suggested.

3 THE COURT: Okay.

4 MS. SHROFF: Okay.

5 THE COURT: Anything more?

6 MS. TEKEEI: That's all for us, your Honor.

7 MS. SHROFF: No. Thank you very much.

8 THE COURT: We're adjourned.

9 (Adjourned)